

UNITED STATES OF AMERICA,

No. CR-05-00233 CW

Plaintiff,

ORDER FOR PRETRIAL  
PREPARATION FOR CRIMINAL  
JURY TRIAL

V.

ROTANYA L. WEST and  
TANIKA GIBSON,

Defendants.

Good cause appearing, it is hereby ordered that:

1. TRIAL DATE

a. Jury trial will begin on October 24, 2005, at 8:30 A.M., in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, California.

b. The length of trial will be not more than 4 days.

## 2. DISCOVERY

Both sides will comply with the Federal Rules of Criminal Procedure, Crim. L.R. 16-1, and the United States will comply with Brady v. Maryland, 373 U.S. 83 (1963) and United States v. Agurs 427 U.S. 97 (1976).

### 3. MOTIONS

Pretrial motions, other than motions in limine, shall be noticed in accordance with Crim. L.R. 47-2 for any available Monday before October 17, 2005, pursuant to a stipulation or upon filing of a motion to file motions outside the motion cutoff date.

1           4.    PRETRIAL CONFERENCE

2           a.    A pretrial conference will be held on Monday,  
3   October 17, 2005, at 2:30 P.M., in Courtroom 2. It shall be  
4   attended by the attorneys who will try the case.

5           b.    **Not less than one week prior to the pretrial**  
6   **conference**, counsel shall comply with Crim. L.R. 17.1-1(b).

7           c.    Jury instructions §1.1 through §1.12, §3.1 through  
8   §3.10 and §7.1 through §7.6 from the Manual of Model Jury  
9   Instructions for the Ninth Circuit (2000) will be given absent  
10   objection. Counsel shall jointly submit one set of additional  
11   proposed jury instructions, ordered in a logical sequence,  
12   together with a table of contents, using the Ninth Circuit Manual  
13   where possible, or Devitt and Blackmar or CALJIC, **not less than**  
14   **one week prior to the pretrial conference**. Any instructions on  
15   which counsel cannot agree shall be marked as "disputed," and  
16   shall be included within the jointly submitted instructions and  
17   accompanying table of contents, in the place where the party  
18   proposing the instruction believes it should be given. Argument  
19   and authority for and against each disputed instruction shall be  
20   included as part of the joint submission, on separate sheets  
21   directly following the disputed instruction. Counsel for the  
22   United States shall submit a verdict form. The attached voir dire  
23   will be given to the venire members. Counsel should submit an  
24   agreed upon set of additional requested voir dire questions to be  
25   posed by the Court. Any voir dire questions on which counsel  
26   cannot agree shall be submitted separately. Counsel will be  
27   allowed brief follow-up voir dire after the Court's questioning.

Any motions in limine should be noticed for hearing at the pretrial conference in accordance with Criminal Local Rule 47-2.

5. JURY SELECTION

The Jury Commissioner will summon 35 to 40 prospective jurors. The Courtroom Deputy will select their names at random and seat them in the courtroom in the order in which their names are called.

Voir dire will be asked of sufficient venire persons so that twelve (plus a sufficient number for alternates) will remain after all peremptory challenges and an anticipated number of hardship dismissals and cause challenges have been made.

The Court will then take cause challenges, and discuss hardship claims from the individual jurors, outside the presence of the venire. The Court will inform the attorneys which hardship claims and cause challenges will be granted, but will not announce those dismissals until the process is completed. Peremptory challenges will be made in writing and passed between counsel in accordance with Crim. L.R. 24-2 and 24-3. The Court will strike the persons with meritorious hardships, those excused for cause, and those challenged peremptorily, and call the first twelve people (plus alternates) in numerical sequence remaining. Those people will be the jury.

Dated: 11/11/05

Chenille

CLAUDIA WILKEN  
United States District Judge

Copies mailed to counsel  
on attached sheet

United States District Court  
For the Northern District of CaliforniaJUROR QUESTIONNAIRE

Please fill out this form as completely as possible and print clearly. Since we want to make copies for the attorneys and the Court, do not write on the back of any page. If you need more room, continue at the bottom of the page. Thank you for your cooperation.

1. Your name: \_\_\_\_\_
2. Your age: \_\_\_\_\_
3. The City where you live: \_\_\_\_\_  
\_\_\_\_\_
4. Your place of birth: \_\_\_\_\_
5. Do you rent or own your own home? \_\_\_\_\_
6. Your marital status: (circle one)  
single      married      separated      divorced      widowed
7. What is your occupation, and how long have you worked in it? (If you are retired, please describe your main occupation when you were working).  
\_\_\_\_\_  
\_\_\_\_\_
8. Who is (or was) your employer?  
\_\_\_\_\_
9. How long have you worked for this employer? \_\_\_\_\_
10. Please list the occupations of any adults with whom you live.  
\_\_\_\_\_
11. If you have children, please list their ages and sex and, if they are employed, please give their occupations.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

United States District Court  
For the Northern District of California

12. Please describe your educational background:

2 Highest grade completed: \_\_\_\_\_

3 College and/or vocational schools you have attended:

4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_  
7 \_\_\_\_\_

8 Major areas of study: \_\_\_\_\_

9 13. Have you ever served on a jury? \_\_\_\_\_ No. of  
10 times? \_\_\_\_\_

11 If yes: State/County Court \_\_\_\_\_ Federal Court \_\_\_\_\_  
12 When? \_\_\_\_\_

13 Was it a civil or criminal case? \_\_\_\_\_

14 \_\_\_\_\_  
15 \_\_\_\_\_

16 Did any of the juries reach a verdict? \_\_\_\_\_

18 (Rev. 3/03)

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28

**UNITED STATES DISTRICT COURT  
for the Northern District of California**

Case No. \_\_\_\_\_

Date \_\_\_\_\_

VS.

## **EXHIBIT LIST**

1

**Plaintiff**

1

**Defendant**

**Plaintiff's Exhibit Markers****PLAINTIFF**  $\pi$ **United States District Court  
Northern District of California**

Case No. \_\_\_\_\_

Case Title \_\_\_\_\_

Exhibit No. \_\_\_\_\_

Date Entered \_\_\_\_\_

Richard W. Wiking, Clerk

By: \_\_\_\_\_, Deputy Clerk

**PLAINTIFF**  $\pi$ **United States District Court  
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**Defendant's Exhibit Markers****DEFENDANT**  $\blacktriangle$ **United States District Court  
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By: \_\_\_\_\_, Deputy Clerk

Counsel shall meet and confer pursuant to Civ. L.R. 30-3(b) and assign blocks of numbers to the exhibits (i.e. Plaintiff 1 - 199; Defendant 200 - 400).

Exhibit Markers should be placed on the lower right-hand corner of the exhibits. Exhibits should be contained within a binder with each exhibit separated by a tabbed page denoting the exhibit number.